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December 16, 1977

Dear Mr. Edwards:

I am replying to your letter of December 2 on behalf of San Francisco District Attorney, Joseph Freitas, Jr., requesting the Department of State to assist Mr. Freitas in securing enforcement of a California Court Order. The order involves the child custody case of John Victor Stoen who is presently in the custody of a religious group known as The People's Temple in Guyana. Congressmen Robert Duncan and Phillip Burton have also expressed interest in this case and have received similar replies.

We note that John Stoen's mother previously signed over custody of John to the religious group. The Department has also met personally with the two California attorneys engaged by Mrs. Stoen to assist her in this case. They have been given advice concerning the handling of a child custody case in a foreign country. They have also been advised that the American Embassy in Guyana is prepared to offer all possible assistance to themselves and to Mrs. Stoen's Guyanese attorney if such assistance is required during the hearings scheduled in Guyana this month.

Neither the Department of State nor the Superior Court, State of California has the authority to enforce in Guyana the order of November 18 regarding the custody of John Victor Stoen. Under many foreign laws there are provisions for proving foreign judgements, although, unfortunately, custody orders are usually excluded from this procedure. Child custody orders issued in the United States are normally not accepted for enforcement in another country on the basis of comity. The question of John Victor Stoen's custody will almost certainly be decided by the Guyanese court, after hearing all relevant evidence, on the basis of Guyanese law. The California court order undoubtedly will be given evidentiary weight in the custody hearing, but by no means will it be binding on that court.

The Honorable
Don Edwards,
House of Representatives.

I trust that this information will be helpful to you. Additional questions concerning child custody may be referred to Miss Elizabeth Powers of our Office of Special Consular Services on 632-3015.

Sincerely,

GW

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

Enclosure:
Correspondence returned

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Clearances: SCS - Mr. Rivera
SCS - Mr. Dobrenchuk
SCS - Mr. Lambert
CA - Ms. Watson
H - Mr. Krizek